

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
vs.)	Case No. 05-4029-01-CR-C- NKL
)	
DAVID ELBY SHAFER,)	
)	
Defendant.)	

ORDER

Defendant David Elby Shafer (“Shafer”) is charged with conspiracy to distribute marijuana; conspiracy to commit money laundering; and, conspiracy to distribute cocaine. (Doc. 175, 1). On April 10, 2008, United States Magistrate Judge William A. Knox recommended that the Court enter an Order denying Shafer’s Motion for transcripts and copies that he already requested and received; denying his motion for appointment of counsel for appeal as premature; and, denying his motion to postpone for purpose of filing a mandamus action. The Magistrate Judge’s Report also recommended granting his motion to continue and for an updated copy of the docket sheet. [Doc. ## 254, 255, 256, 257, 259, 261]. *See* Report and Recommendation [Doc. # 264]. The parties were advised that they could file written exceptions to the recommendation within ten (10) days pursuant to 28 U.S.C. § 636(b)(1)(C). Shafer filed objections on April 16, 2008.

Having conducted an independent review of the record, the Court concludes that

the recommendation of the Magistrate Judge is correct and should be adopted. Since his indictment on May 13, 2005, Shafer has kept this Court occupied with many baseless motions. The Court has undertaken a *de novo* review of Shafer's current motions and concludes that they include similar, baseless allegations and repetitious requests. Shafer has been given copies of the relevant transcripts; his mandamus action is frivolous; there is no reason to appoint counsel for Shafer's appeal before there is any factual or legal decision to appeal; and, there is no "deficiency" in these proceedings to warrant any relief to Shafer.

Accordingly, it is

ORDERED that Judge Knox's Report and Recommendation [Doc. # 264], is
ADOPTED.

s/ NANETTE K. LAUGHREY
NANETTE K. LAUGHREY
United States District Judge

Dated: April 28, 2008
Jefferson City, Missouri